questions in conflict of laws. It would require a large dependence upon the comity of other states in enforcing our act, and in refraining from enforcing theirs as to a subject which commonly is wholly under the control of the several states and with which a considerable number have manifested an intent to deal by new and special legislation. If employees and employers carry their domiciliary personal injury law with them to other jurisdictions, confusion would ensue in the administration of the law and allow the appearance of inequality among those working under similar conditions. Such a result, if intended, should be disclosed by unambiguous words." The opposite view is well stated by the court in the principal case: "The law of the place where the contract is made should govern the relations between the employer and the employee wherever they may be." It should be noticed in this connection that the court does not base its decision wholly on this theory but on what it determines was the legislative intent, considering the provisions of the former act (1913) which did provide for such extra-territorial effect. The converse of this proposition was held by the Washington Court in *Reynolds* v. *Day,* 79 Wash. 499, 140 Pac. 681, which held that a common-law action may be brought in Washington for an injury received in Idaho in which state the common law remedy prevails, though, under the Washington Compensation Act, such an action would not lie for an injury received in Washington. But this point is covered by the Compensation Act of most states, and there seems little difficulty regarding it.

WORKMEN'S COMPENSATION—INJURY "IN COURSE OF EMPLOYMENT."—A and others were employed in erecting a building; there was no water fit for drinking in the building, so the employees were in the habit of bringing it, in pails and bottles, from a neighboring well. Another employee had been engaged in applying a liquid known as lapidolith, used to harden cement, and had left some in a bottle which he placed in a bucket over which he placed a card marked "Poison." The fluid was clear and looked like water. A drank from the bottle without noticing the card and died from the effects of the poison. His widow sued for compensation for his death. *Held,* that acts of ministration of a servant unto himself, such as quenching his thirst, performance of which while at work are reasonably necessary to his health and comfort, are incidents of his employment and acts of service therein, within the meaning of the Workmen's Compensation Law; and an accidental injury sustained in the performance of such acts is compensable under said statute as one incurred in the course of the employment and resulting therefrom. *Archibald* v. *Ott, Commissioner,* (W. Va. 1916) 87 S. E. 791.

The general principle governing this class of cases seems well settled. While differing in special applications, the cases unite in the proposition that an injury from acts which the parties must have contemplated to be necessary from the character of the work and the circumstances, is an injury "resulting from the employment" and is compensable. *Vennen* v. *New Dells Lumber Co.,* 161 Wis. 370, 154 N. W. 640; *Zabriskie* v. *Erie Ry. Co.,* 85 N. J. L. 157, 88 Atl. 824; *Alloa Coal Co.* v. *Drylie,* [1913] Session Cases 549, 4 N. C. C. A. 899; *Eke* v. *Hart-Dyke,* [1910] 2 K. B. 677. Generally a servant

is still held to be acting in the line of his duty to the master, even though he actually quits work to obtain a drink of water. *Jarvis* v. *Hitch,* 161 Ind. 217, 65 N. E. 608; *Birmingham Rolling Mill Co.* v. *Rockhold,* 143 Ala. 115, 42 So. 96. Such acts are said to be what the parties may be reasonably held to have considered necessary to the discharge of the duties of almost any kind of manual labor. In *Vennen* v. *New Dells Lumber Co.,* supra the employer was held liable for the death of an employee of typhoid fever, due to impurities in the water furnished by the employer, the court saying that the death had resulted from an injury "growing out of and incidental to his employment." Care must be taken to distinguish between an accidental injury, arising as did the injury in the principal case, and occupational diseases, at least in those jurisdictions where the latter are not held to warrant recovery under the Compensation Acts. The distinction is made clear in the case of *Bacon* v. *Mutual Accident Association,* 123 N. Y. 304, 25 N. E. 399.

WORKMEN'S COMPENSATION—OCCUPATIONAL DISEASE.—Defendant was employed by a white-lead manufacturer, and while thus employed contracted lead poisoning and was disabled from work. He made application in due form for compensation under the WORKMEN'S COMPENSATION LAW (102 Ohio Laws, 524), but the Industrial Commission disallowed the claim. The county court reversed this ruling, the Court of Appeals affirmed its decision, and the employer and the Commission appealed to the Supreme Court. The statute provides for recoveries for "personal injuries sustained in the course of employment." *Held,* that the statute does not cover injury or death resulting from disease contracted in the course of such employment. *Industrial Commission of Ohio* v. *Brown* (Ohio, 1915), 110 N. E. 744.

When the word "accident" appears in the statute, there does not seem to be any doubt that occupational diseases are not included. The distinction between accident and disease has always been recognized. In England in the case of *Steele* v. *Cammell Laird Co.* [1905], 2 K. B. 232, it was held that the statute providing for recovery for personal injury arising from accident did not include diseases resulting from the nature of the work itself. Later a statute (6 Edw. VIII, c. 58) specifically provided for such recovery. The difference of opinion arises when the term "accident" does not appear in the statute, and recovery is to be allowed for all personal injuries "arising out of, or sustained in the course of, the employment." Massachusetts has held that such a statute does include occupational diseases. *In re Hurle,* 217 Mass. 223, 104 N. E. 336, and *Johnson* v. *London Guarantee & Accident Co.,* 217 Mass. 388, 104 N. E. 735. Such has been the holding in the Court of Appeals in New Jersey (*Hichens* v. *Magnus Metal Co.,* 35 N. J. Law Journal), but the question has never been decided by the court of last resort. On the other hand, under practically the same statute, Michigan holds that the term "personal injuries" does not include occupational diseases. *Adams* v. *Acme White Lead and Color Works,* 182 Mich. 157, 148 N. W. 485. The court in this case notices the Massachusetts cases, but declines to follow them. For a review of the statutes in the dif-